UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2175	7

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/731,463	MAIER, ROBERT J.
	Examiner	Art Unit
	Neveen Abel-Jalil	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 December 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Election/Restriction requirement (paper No. 5) is hereby withdrawn from further

consideration. Therefore, claims 1-19 are now pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4, 7-11, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ran et al. (U.S. Patent No. 6,209,026 B1).

As to claim 1, Ran et al. discloses a method for searching a database stored on a remotely

located computer connected through the Internet to a Web enabled device (See column 1, lines

35-67, and see column 2, lines 1-30), comprising the steps of

(a) selecting from a plurality of selection criteria at least one subset of selection criteria

(See columns 24-25, 4(a) – 4(h) language);

(b) screening and selecting from the database using the subset of selection criteria for

data records satisfying at least one member of the subset of the selection criteria (See columns

24-25, 4(a) – 4(h) language);

(c) rank ordering the data records selected in step (b) (See column 3, lines 1-31); and

(d) displaying the data records that have been rank ordered in step (c) (See column 13, claims 3d)-3e) language, also see column 3, lines 1-31).

As to claim 2, <u>Ran et al.</u> discloses wherein the database comprises travel related information (See column 22, claim 4f) language).

As to claim 3, <u>Ran et al.</u> discloses wherein the selection criteria comprise travel related selection criteria (See column 24, lines 1-47).

As to claim 4, <u>Ran et al.</u> discloses wherein at least two subsets of selection criteria are used in step (b) (See column 24, lines 1-47).

As to claim 7, <u>Ran et al.</u> discloses wherein the data records selected contain every member of at least one of the subsets of the selection criteria used in step (b) (See column 6, lines 1-25, also see column 23, lines 7-15).

As to claim 8, <u>Ran et al.</u> discloses a computer readable storage medium storing a set of instructions, the set of instructions capable of being executed by a processor to search a database stored on a remotely located computer connected through the Internet to a Web enabled device (See column 1, lines 35-67, and see column 2, lines 1-30), the set of instructions performing the steps comprising:

(a) selecting from a plurality of selection criteria at least one subset of selection criteria (See columns 24-25, 4(a) – 4(h) language);

(b) screening the database using the subset of selection criteria for data records satisfying at least one member of the subset of the selection criteria (See columns 24-25, 4(a) – 4(h) language);

(c) rank ordering the data records selected in step (b) (See column 3, lines 1-31); and

(d) displaying the data records that have been rank ordered in step (c) (See column 13, claims 3d)-3e) language, also see column 3, lines 1-31).

As to claim 9, Ran et al. discloses wherein the database comprises travel related information (See column 24, lines 1-47).

As to claim 10, Ran et al. discloses wherein the selection criteria comprise travel related selection criteria (See column 24, lines 1-47).

As to claim 11, Ran et al. discloses wherein at least two subsets of selection criteria are used in step (b) (See column 24, lines 1-47).

As to claim 14, Ran et al. discloses wherein the data records selected in step (c) contain every member of at least one of the subsets of selection criteria used in step (b) (See column 6, lines 1-25, also see column 23, lines 7-15).

As to claim 15, <u>Ran et al.</u> discloses a method for distributing at least one virtual fax over

the Internet to a plurality of Web enabled devices (See column 1, lines 35-67, and see column 2,

lines 1-30), comprising the steps of:

(a) logging-on from the Web enabled device through a network to a file server that

contains a database storing a plurality of virtual faxes (See column 20, lines 30-67, and see

column 21, lines 1-20, wherein "logging-on" reads on "user password");

(b) selecting at least one selection criteria from a plurality of selection criteria (See

column 22, lines 1-67);

(c) retrieving from the database all virtual faxes that satisfy the selection criteria (See

column 6, lines 1-25, also see column 23, lines 7-15) used in step (b); and

d) displaying the virtual fax from step (c) on the Web enabled device (See column 13,

claims 3d)-3e) language).

As to claim 16, <u>Ran et al.</u> discloses wherein the selection criteria comprise virtual faxes

that have not been previously displayed and retrieved (See column 3, lines 7-40, wherein "not

been previously displayed" reads on "select...announce").

As to claim 17, <u>Ran et al.</u> discloses wherein the database comprises information about

travel products (See column 22, claim 4f) language).

As to claim 18, <u>Ran et al.</u> discloses wherein the selection criteria comprise a plurality of

targeting criteria used to direct the virtual fax to a particular group of users (See column 8, lines

8, lines 8-33, wherein "particular group of users" reads on "broadcast").

As to claim 19, <u>Ran et al.</u> discloses a computer readable storage medium storing a set of search instructions, the set of instructions capable of being executed by a processor to direct Web enabled devices linked over the Internet (See column 1, lines 35-67, and see column 2, lines 1-30), the set of instructions performing the steps of:

(a) logging-on from the Web enabled device through a network to a file server that contains a database storing a plurality of virtual faxes (See column 20, lines 30-67, and see column 21, lines 1-20, wherein "logging-on" reads on "user password");

(b) selecting at least one selection criteria from a plurality of selection criteria (See column 22, lines 1-67);

(c) retrieving from the database all virtual faxes that satisfy the selection criteria (See column 6, lines 1-25, also see column 23, lines 7-15) in step (b); and

(d) displaying the virtual fax from step (c) on the Web enabled device (See column 13, claims 3d)-3e) language).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 5-6, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ran et al. (U.S. Patent No. 6,209,026 B1) in view of Geller et al. (U.S. Patent No. 6,236,990 B1).

As to claim 5, Ran et al. does not teach wherein each member of at least one of the

subsets of the selection criteria is assigned a numerical weight.

Geller et al. teaches wherein each member of at least one of the subsets of the selection

criteria is assigned a numerical weight (See column 5, lines 3-47, also see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Ran et al. to include wherein each member of at least one

of the subsets of the selection criteria is assigned a numerical weight.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Ran et al. by the teaching of Geller et al. to include wherein each

member of at least one of the subsets of the selection criteria is assigned a numerical weight

because sorting and ranking records using numerical weights is well known in the database art

providing for efficient and accurate storage and retrieval method.

As to claim 6, Ran et al. does not teach wherein the data records in step (c) are rank

ordered by the sum of the numerical weights of the selection criteria used to select the data

records in step (b).

Geller et al. teaches wherein the data records in step (c) are rank ordered by the sum of

the numerical weights of the selection criteria used to select the data records in step (b) (See

column 5, lines 40-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Ran et al. to include wherein the data records in step (c)

are rank ordered by the sum of the numerical weights of the selection criteria used to select the

data records in step (b).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Ran et al. by the teaching of Geller et al. to include wherein each

member of at least one of the subsets of the selection criteria is assigned a numerical weight

because ranking by sum of numerical weights provides for efficient and closet match of records

to data sought and retrieved.

As to claim 12, Ran et al. does not teach wherein each member of at least one of the

subsets of the selection criteria is assigned a numerical weight.

Geller et al. teaches wherein each member of at least one of the subsets of the selection

criteria is assigned a numerical weight (See column 5, lines 3-47, also see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Ran et al. to include wherein each member of at least one

of the subsets of the selection criteria is assigned a numerical weight.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Ran et al. by the teaching of Geller et al. to include wherein each

member of at least one of the subsets of the selection criteria is assigned a numerical weight

because sorting and ranking records using numerical weights is well known in the database art

providing for efficient and accurate storage and retrieval method.

As to claim 13, <u>Ran et al</u>. does not teach wherein the data records selected in step (c) are rank ordered by the sum of the numerical weight of the selection criteria used to select the data records.

<u>Geller et al.</u> teaches wherein the data records selected in step (c) are rank ordered by the sum of the numerical weight of the selection criteria used to select the data records (See column 5, lines 40-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Ran et al.</u> to include wherein the data records selected in step (c) are rank ordered by the sum of the numerical weight of the selection criteria used to select the data records.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Ran et al.</u> by the teaching of <u>Geller et al.</u> to include wherein the data records selected in step (c) are rank ordered by the sum of the numerical weight of the selection criteria used to select the data records because ranking by sum of numerical weights provides for efficient and closet match of records to data sought and retrieved.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<u>Gordon</u> (U.S. Patent No. 5,608,786) teaches unified messaging system and method.

Cook et al. (U.S. Patent No. 5,727,950) teaches agent based instruction system and method.

Rachelson (U.S. Patent No. 6,157,706) teaches method for enabling a facsimile machine to be an e-mail client.

Herz et al. (U.S. Pub. No. 2001/0014868 A1) teaches system for automatic determination of customized prices and promotions.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
January 26, 2004

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